

No. 9(1)-81-8 Lab-5412.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. S. J. Knitting and Finishing Mills, 13/7 Mathura Road, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 69 of 1981

Between

Shri Moti Chand workman and the management of M/s. S. J. Knitting and Finishing Mills, 13/7, Mathura Road, Faridabad.

Present :

Shri G.S. Chaudhry, for the workman.

Shri B.R. Grover, for the management.

AWARD

This reference No. 69 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana.—*vide* his order No. ID/FD/237-80/6682, dated the 4th February, 1981 under section 10(i)(c) of the Industrial Disputes Act, 1947 existing between Shri Moti Chana Workman and the management of M/s. S. J. Knitting and Finishing Mills 13/7, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Moti Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were sent to the parties. The parties appeared. On 28th April, 1981 the last date of hearing the representative of the management made a statement in this court that he had settled his dispute with the respondent management and has also taken full and final account. This statement was duly agreed to by the representative of the workman. He further stated that he did not want to pursue this reference and withdrew the same. While answering the reference I give my award that there is now no dispute left between the parties. No order as to costs.

The 30th April, 1981

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 950, dated the 4th May, 1981

Forwarded (Four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 5th June, 1981

No. 9(1)-81-8 Lab./6274.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Labour court, Rohtak in respect of the dispute between the workman and the management of M/s K. M. Metal Industries, Jaroda Gate, Jagadhri.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT HARYANA, ROHTAK

Reference No. 64 of 1979

between

SHRI RAM PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S K. M. METAL INDUSTRIES, JARODA GATE, JAGADHRI

Present :—

Shri Surinder Kumar for the workman.

No one for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/Ymn/20-79/12163, dated 16th March, 1979 under section 10 (i) (c) of the I.D. Act for adjudication of the dispute existing between Shri Ram Parshad, workman and the management of M/s K. M. Metal Industires. The term of the reference was:—

“Whether the termination of services of Shri Ram Parshad was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The workman appeared in response to the notice but no one appeared on behalf of the management despite the service of notice to them. the management was proceeded against *ex parte*. *Ex parte* statements of the workman was recorded who deposed that he worked continuously by for one year with the respondent at the rate of Rs 25 per day. the management terminated his services without issuing any charge-sheet or notice to him. He has not remained gainfully employed anywhere since his termination.

I am left with no choice but to rely the un rebutted *ex parte* statement of the workman when the management did not care to defend themselves against the demand of the workman. I therefore hold that the termination of the workman is unjustified and not in order. The workman is entitled to rein statement with continuity of the service and full back wages. The reference is answered and returned in the setrems.

BANWARI LAL DALAL

Presiding Officer,
Labour Court Haryana,
Rohtak.

Endorsement No. 1744, dated 27th May, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL.

Presiding Officer.
Labour Court Haryana, Rohtak

No. 9(1)81-8Lab/6338.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Municipal Committee Kalka

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 224 of 1978

between

SHRI RAMESH KUMAR, WORKMAN AND THE MANAGEMENT OF MUNICIPAL
COMMITTEE, KALKA

Present: —

No one for the workman.

Shri U. Kant, for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor,—vide his order No. ID Amb/18-73/35022, dated 26th July, 1978, under section 10(i)(c) of the Industrial Disputes Act, for a ljudication of the dispute existing between Sri Ramesh Kumar, workman and the management of M/s Municipal Committee, Kalka. The term of the reference was :—

Whether the termination of services Shri Ramesh Kumar, was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference, notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings and the following issues were framed on the basis of the pleadings of the parties :—

(1) Whether the applicant Ramesh Kumar has no cause of action and the application being malicious the respondent entitled to compensatory cost ?

(2) As per reference ?

The case was adjourned several times for management evidence on the request of the workman. At last on 22nd July, 1980 the case was adjourned subject to a cost of Rs 50 to 26th August, 1980. On this date of hearing neither the workman nor his authorised representative appeared and the workman was proceeded against *ex parte*. *Ex parte* evidence of the management was recorded on 22nd September, 1980. Shri Sardari Lal Secretary of the respondent was examined as MW-1 and Shri Virbhan, Octroi Superintendent as MW-2. MW-1 has deposed that the applicant was charge sheeted.—*vide* Ex. MW-1/2 to which he replied,—*vide* Ex. MW-1/3. Enquiry was conducted in which the workman was given full opportunity of cross, examination and defence. He was again issued another chargesheet Ex. MW-1/10 the reply of the workman is Ex. MW-1/11. Enquiry was conducted into the charges. Again the workman was given full opportunity to cross-examination and defence. The enquiry report is MW-1/16. MW-1/18 is the show-cause notice. The repl of the show-cause notice is Ex. MW-1/19. The dismissal order passed after duly considering the reply to show cause notice is Ex. MW-20. MW-2 also corroborated the statement of MW-1.

From the evidence oral as well as documentary and which is unrebutted shall have to be relied upon, I am, therefore, constrained to hold that the termination of the workman is justified and in order. The workman is not entitled to any relief. The reference is answered and returned in these terms

Dated the 26th May, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 1761, dated 28th May, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9(1981-8Lab 16340).—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Milk Plant, Jind.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 187 of 1980

between

SHRI KARTAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S MILK PLANT,
JIND

Present :—

Shri S. N. Vats for the workman.

No one, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. 10 KN/83-8046536, dated 3rd September, 1980, under section 10(i)(c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Kartar Singh, workman and the management of M/s Milk Plant, Jind. The term of the reference was :—

Whether the termination of services of Shri Kartar Singh was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared through their authorised representatives on 10th October, 1980 in response to the notices. No one appeared on behalf of the management on 8th August, 1980 and the management was proceeded against *ex-parte* evidence of the workman was recorded on 10th February, 1981. The Workman Shri Kartar Singh was examined as his own witness who stated that he was appointed 'Malli' by the respondent management on 1st March, 1980 and was terminated on 17th July, 1979. He has further stated that he applied for leave from 8th June, 1979 to 12th June 1979 and then the leave was got extended upto 17th July, 1979 and a medical certificate Ex. WW-1/1 was submitted. He was not issued any chargesheet, nor any notice or notice pay was given to him. He was also not paid any retrenchment compensation.

I am left with no choice but to believe the un-rebutted *ex-parte* statement of the workman. Relying on his statement I hold that the termination of the workman Shri Kartar Singh is unjustified and not in order. The workman is entitled to re-instatement with continuity of service and with fullback wages. The reference is answered and returned in these terms.
Dated 25th May, 1981.

BANWARI LAL DALAL

Presiding Officer
Labour Court, Haryana
Rohtak.

Endorsement No. 1759, dated 28th May, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Dispute Act.

BANWARI LAL DALAL

Presiding Officer,
Labour Court Haryana
Rohtak.

The 25th June, 1981

No. 9(181-8Lab. 7209).—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Vij Jat Industries, Modern Industrial Estate, Bahadurgarh, district Rohtak.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER LABOUR COURT
HARYANA, ROHTAK

Reference No. 186 of 78

between

SHRI ANAND KUMAR, WORKMAN AND THE MANAGEMENT OF M/S VIJ JAT
INDUSTRIES MODERN INDUSTRIAL ESTATE, BAHADURGARH DISTRICT ROHTAK.

Present.—

No one, for the workman.

Shri M. M. Kaushal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/RTK/67/-78/34049 dated 20th July, 1978 under section 10(1) (c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Anand Kumar, workman and the management of M/s Vij Jat Industries, Bahadurgarh. The term of the reference was:—

Whether the termination of services of Shri Anand Kumar was justified and in order? If not to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings and the case was adjourned for striking of issues on 22nd August, 1980. Both the parties confirmed the death of the workman on this date of hearing and the management was asked to file an affidavit which the management filed on 8th January, 1981 affirming the death of the workman on 15th April, 1980. The workman representative wanted to file an application for bringing the legal representative of the deceased on record. The workman representative did not bring the legal representatives of the deceased on record and withdrew himself from the proceedings.

Under these circumstances the reference abates on the death of the workman and when no legal representative of the deceased workman are brought on record. The reference is answered and returned accordingly.

Dated 13th June, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 1953, dated 16th June, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

7th July, 1981

No. 9(1)818 Lab-7404.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. India Drugs and Pharmaceuticals Ltd., Dundehera, Industrial Complex, Gurgaon.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No 14 of 1981

between

WORKMEN AND THE MANAGEMENT OF M/s. INDBAN DRUGS AND PHARMACEUTICAL
LIMITED, DUNDAHERA INDUSTRIAL COMPLEX, GURGAON.

Present.—

Shri M. C. Mittal, for the workmen.

Shri G. K. Goswamy, for the management.

AWARD

By order No. ID/GGN/27-80/4222, dated 23rd January, 1981, the Governor of Haryana referred, the following dispute between the management of M/s. Indian Drugs and Pharmaceuticals Limited Dundehera Industrial Complex, Gurgaon and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the workmen (list enclosed) are entitled to the payment of wages for 19th September, 1979?

If so, with what details?

On receipt of the order of reference, notice were issued to the parties. The parties appeared. The workmen filed claim statement and the management filed written statement. At the time of filing rejoinder the workmen stated that they do not want to pursue the case. In view of the statement given by the workman, I give my award that the workmen are not interested to pursue their case.

Dated the 19th June, 1981.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 597, dated 23rd June, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.